

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

ROBERT SCOTT,

Plaintiff,  
vs.

CITY OF CHICAGO, OFFICER SHARON  
CHRISTMAS, STAR No. 31589; OFFICER  
ANITA QUICK, STAR No. 38483; OFFICER  
STAR No. 17308; AND OFFICER  
MITCHELL, STAR No. 10637;

Defendants

03C 3865

No.  
JUDGE SHADUR

MAGISTRATE JUDGE DENLOW

**COMPLAINT AT LAW**

**NOW COMES** the Plaintiff, ROBERT SCOTT, by and through his attorney, the  
LAW OFFICES OF BLAKE HORWITZ, and for his Complaint at Law, against the  
Defendants, CITY OF CHICAGO, OFFICER SHARON CHRISTMAS, STAR No.  
31589; OFFICER ANITA QUICK, STAR No. 38483; OFFICER STAR No. 17308; AND  
OFFICER MITCHELL, STAR No. 10637; (hereinafter "DEFENDANT OFFICERS")  
and states as follows:

**JURISDICTION**

1. The jurisdiction of the court is invoked pursuant to the Civil Rights Act, 42  
U.S.C. §1981 and §1983; the Judicial Code, 28 U.S.C. §1331 and 1343(a); the  
Constitution of the United States; and supplementary jurisdiction, as codified in 28  
U.S.C. §1367(a).

**DOCKETED**

JUN 06 2003

**PARTIES**

2. Plaintiff, ROBERT SCOTT, is a citizen of the State of Illinois, and a citizen of the United States.

3. DEFENDANT OFFICERS were at all times relevant to this complaint duly appointed and sworn police officers for the CITY OF CHICAGO.

4. DEFENDANT OFFICERS engaged in the conduct complained of in the course and scope of their employment and while they were on duty. They are sued in their individual capacities.

5. The CITY OF CHICAGO is a duly incorporated municipal corporation and is the employer and principal of DEFENDANT OFFICERS. At all times material to this complaint, DEFENDANT OFFICERS were acting under color of state law, ordinance and/or regulation, statutes, customs and usages of the CITY OF CHICAGO.

**FACTS**

6. On or about OCTOBER 24<sup>th</sup>, 2001, the Plaintiff was stopped by DEFENDANT OFFICERS, in the City of Chicago.

7. After the Plaintiff was stopped by said officers, he was handcuffed.

8. Defendant officer(s) pushed and caused him to collide his head into a metal structure, causing serious injuries.

9. On OCTOBER 24<sup>TH</sup>, 2001, the Plaintiff did not resist arrest and/or batter either of the DEFENDANT OFFICERS.

10. On OCTOBER 24<sup>TH</sup>, 2001, the Plaintiff did not obstruct justice and/or assault either of the DEFENDANT OFFICERS.

11. On OCTOBER 24<sup>TH</sup>, 2001 and/or any time thereafter, the DEFENDANT OFFICERS did not charge the Plaintiff with obstruction of justice, battery, assault and/or disorderly conduct.

12. On OCTOBER 24<sup>TH</sup>, 2001, and/or any time thereafter, the DEFENDANT OFFICERS did not charge the Plaintiff with a criminal offense other than that which relates to travelling at a rate over the speed limit.

13. At no time on OCTOBER 24<sup>TH</sup>, 2001, had the Plaintiff caused injury to either of the DEFENDANT OFFICERS.

14. The use of force initiated by the DEFENDANT OFFICERS and the failure to intervene in the use of said force, caused an excessive amount of force to be inflicted onto the body of the Plaintiff. Said force was unreasonable and unnecessary.

15. As a direct and proximate result of one or more of the aforesaid acts or omissions of the defendants, plaintiff was caused to suffer serious and permanent personal injury pain, suffering and mental anguish both now and in the future.

**COUNT I**  
**(§1983 Excessive Use of Force)**

16. Plaintiff re-alleges paragraphs 1 through 15.

17. The actions of the DEFENDANT OFFICERS amount to an excessive use of force onto the Plaintiff. This conduct violated the Plaintiffs' Fourth Amendment right to be free from unreasonable seizure.

18. The aforementioned actions of said officers was the direct and proximate cause of the constitutional violations set forth above.

**WHEREFORE**, Plaintiff demands compensatory damages, jointly and severally, from the DEFENDANT OFFICERS. Plaintiff also demands punitive damages, costs and attorney's fees against said Defendants. Plaintiff also demands whatever additional relief this Court deems equitable and just.

**COUNT II**  
**(745 ILCS 10/9-102 Claim Against CITY OF CHICAGO)**

19. Plaintiff re-allege paragraphs 1 through 18.

20. Defendant CITY OF CHICAGO is the employer of DEFENDANT OFFICERS.

21. DEFENDANT OFFICERS committed the acts alleged above under color of law and in the scope of their employment as employees of the CITY OF CHICAGO.

**WHEREFORE**, should DEFENDANT OFFICERS be found liable for the acts alleged above, Plaintiff demands that, pursuant to 745 ILCS 10/9-102, the CITY OF CHICAGO pay them any judgment Plaintiff obtains against DEFENDANT OFFICERS as a result of this complaint.

**COUNT III**  
**MONELL CLAIM AGAINST THE CITY OF CHICAGO**

22. The Plaintiff re-alleges paragraphs 1 through 15 as though fully set forth herein.

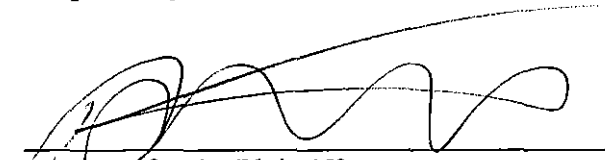
23. It is the custom, practice and policy of police officers and/or there supervisors/agents and/or other employees of the City of Chicago to perform the following acts and/or omissions in connection with excessive force complaints that are directed at Chicago police officers:

- a. Supervisory individuals from the City of Chicago fail to properly discipline City of Chicago police officers that have committed an act of excessive force upon another;
- b. Supervisory individuals from the City of Chicago fail to properly investigate a complaint of excessive force perpetrated by a City of Chicago Police Officer, upon another;
- c. Supervisory individuals from the City of Chicago fail to take proper remedial action against a City of Chicago Police officer once it is determined that he/she has committed an act of excessive force upon another.

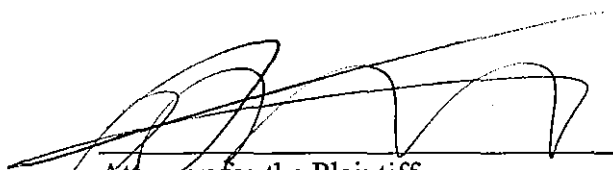
24. As a result of the misconduct undertaken by the City of Chicago, through its employees, the Plaintiff suffered serious injuries, as the custom, practice and policy of the City of Chicago permits and/or makes conducive to City of Chicago police officers, the type of conduct that occurred in the instant cause, as alleged in this complaint.

**WHEREFORE**, Plaintiff demands judgment against the City of Chicago, plus attorney's fees and costs. Plaintiff also demands whatever additional relief this Court deems equitable and just.

Respectfully Submitted.

  
\_\_\_\_\_  
Attorney for the Plaintiff  
Blake Horwitz

Plaintiff demand trial by jury on all counts.

  
\_\_\_\_\_  
Attorney for the Plaintiff  
Blake Horwitz

**LAW OFFICES OF BLAKE HORWITZ**  
**Blake Horwitz, Esq.**  
**155 N. Michigan, #714**  
**Chicago, IL 60601**  
**(312) 616-4433**

JS 44 (Rev. 3/99)

## CIVIL COVER SHEET

The JS-44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

## (a) PLAINTIFFS

Robert Scott

DEFENDANTS City of Chicago, Officer Christmas #31589, Officer Quick #38483, Officer #17308, Officer Mitchell #10637

(b) County of Residence of First Listed Plaintiff Cook  
(EXCEPT IN U.S. PLAINTIFF CASES)

County of Residence of First Listed Cook  
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE LAND INVOLVED.

## (c) Attorney's (Firm Name, Address, and Telephone Number)

Law Offices of Blake Horvitz  
155 N. Michigan #714 Chicago, IL 60601  
312-616-4435

Attorneys (if known)

JUDGE SHADUR

MAGISTRATE JUDGE DENLOW

386  
POCKETED  
JUN 06 2003

## II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff  
☐ 2 U.S. Government Defendant  
☒ 3 Federal Question (U.S. Government Not a Party)  
☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

## III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- (For Diversity Cases Only)
- |   |                                       |                                       |   |                            |                            |
|---|---------------------------------------|---------------------------------------|---|----------------------------|----------------------------|
|   | PTF                                   | DEF                                   |   | PTF                        | DEF                        |
| Citizen of This State                   | <input checked="" type="checkbox"/> 1 | <input checked="" type="checkbox"/> 1 | Incorporated or Principal Place of Business in This State     | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State                | <input type="checkbox"/> 2            | <input type="checkbox"/> 2            | Incorporated and Principal Place of Business in Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3            | <input type="checkbox"/> 3            | Foreign Nation  | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

## IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability	<b>PERSONAL INJURY</b> <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Inj.	<input type="checkbox"/> 362 Personal Injury—Med. Malpractice <input type="checkbox"/> 365 Personal Injury—Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability <b>PERSONAL PROPERTY</b> <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 <b>PROPERTY RIGHTS</b> <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark <b>SOCIAL SECURITY</b> <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RS1 (405(g)) <b>FEDERAL TAX SUITS</b> <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce/ICC Rates/etc. <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes <input type="checkbox"/> 890 Other Statutory Actions
<b>REAL PROPERTY</b> <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	<b>CIVIL RIGHTS</b> <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input checked="" type="checkbox"/> 440 Other Civil Rights	<b>PRISONER PETITIONS</b> <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> Habeas Corpus: <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition		

## V. ORIGIN (PLACE AN "X" IN ONE BOX ONLY)

- ☒ 1 Original Proceeding  
☐ 2 Removed from State Court  
☐ 3 Remanded from Appellate Court  
☐ 4 Reinstated or Reopened  
☐ 5 Transferred from another district (specify)  
☐ 6 Multidistrict Litigation  
☐ 7 Appeal to District Judge from Magistrate Judgment

## VI. CAUSE OF ACTION (Cite the U.S. Civil Statute under which you are filing and write brief statement of cause. Do not cite jurisdictional statutes unless diversity.)

Police Misconduct 42 USC 1981 + 1983; 28 USC 1331 + 1343(a)

## VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23

DEMAND \$

CHECK YES only if demanded in complaint:

JURY DEMAND: ☒ Yes ☐ No

## VIII. This case

☒ is not a refiling of a previously dismissed action.

☐ is a refiling of case \_\_\_\_\_, previously dismissed by Judge \_\_\_\_\_

DATE

SIGNATURE OF ATTORNEY OF RECORD

6/5/03